

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK**

IN RE: INTEREST RATE SWAPS  
ANTITRUST LITIGATION

Case No. 16-MD-2704 (JPO)

This Document Pertains To:

Hon. J. Paul Oetken

ALL CLASS ACTION CASES

**NOTICE OF PLAINTIFFS' MOTION FOR PRELIMINARY APPROVAL OF  
THE SETTLEMENT AGREEMENT WITH CREDIT SUISSE**

PLEASE TAKE NOTICE that, upon the accompanying memorandum of law, the Declaration of Daniel L. Brocket and the exhibits attached thereto, and the record herein, Plaintiffs, by and through their undersigned counsel, will respectfully move this Court, before the Honorable J. Paul Oetken, United States District Judge for the Southern District of New York, Thurgood Marshall United States Courthouse, 40 Foley Square, New York, New York 10007, at a date and time to be determined by this Court, for entry of the proposed order preliminarily approving the Settlement Agreement between Plaintiffs and Credit Suisse Group AG, Credit Suisse AG, Credit Suisse Securities (USA) LLC, and Credit Suisse International pursuant to Rule 23 of the Federal Rules of Civil Procedure, certifying the Settlement Class, and appointing Class Counsel and Class Representatives for the Settlement Class. This [Proposed] Preliminary Approval Order has been agreed to by Plaintiffs and the Defendants Credit Suisse Group AG, Credit Suisse AG, Credit Suisse Securities (USA) LLC, and Credit Suisse International, and consists of:

- (1) preliminarily approving the settlement set forth in the Settlement Agreement;

- (2) preliminarily certifying the following Settlement Class for purposes of settlement only:

All Persons or entities who, directly or through an agent, entered into one or more U.S. IRS Transactions<sup>1</sup> with any Defendant<sup>2</sup> during the Settlement Class Period.<sup>3</sup> Excluded from the Class are Defendants, their co-conspirators, should any exist, whether or not named in the Amended Complaint, and their officers, directors, management, employees, and current subsidiaries or affiliates. Also excluded are any entities registered as “swap” dealers with the Commodity Futures Trading Commission (“CFTC”) during the Class Period, the United States Government, and all of the Released Credit Suisse Parties,<sup>4</sup> provided, however, that Investment Vehicles<sup>5</sup> shall not be excluded from the definition of the Settlement Class;

- (3) preliminarily appointing Quinn Emanuel Urquhart & Sullivan, LLP, and Cohen Milstein Sellers & Toll PLLC as Co-Lead Counsel for the Settlement Class;
- (4) preliminarily appointing Plaintiffs as class representatives for the Settlement Class;

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<sup>1</sup> “U.S. IRS Transaction” means a fixed-for-floating, floating-for-fixed, or floating-for-floating interest rate swap, forward rate agreement, single-currency basis swap, or overnight index swap executed in the United States or its territories.

<sup>2</sup> “Defendants” means any and all parties named as defendants in the Fourth Amended Class Action Complaint, dated March 22, 2019, and/or in any further amended complaint or pleading filed in this Action.

<sup>3</sup> “Settlement Class Period” means the period January 1, 2008 through the Execution Date of the Settlement Agreement.

<sup>4</sup> “Released Credit Suisse Parties” mean Settling Defendants and each of their respective past or present direct and indirect parents (including holding companies), subsidiaries, affiliates, associates (all as defined in SEC Rule 12b-2, promulgated pursuant to the Securities Exchange Act of 1934, as amended), divisions, joint ventures, predecessors, successors, and each of their respective past, present and future officers, directors, managers, members, partners, shareholders, insurers, employees, agents, attorneys, legal or other representatives, trustees, heirs, executors, administrators, advisors, and assigns, and the predecessors, successors, heirs, executors, administrators, and assigns of each of the foregoing.

<sup>5</sup> “Investment Vehicles” means any investment company or pooled investment fund, including, but not limited to: (i) mutual fund families, exchange-traded funds, fund of funds and hedge funds, in which a Defendant has or may have a direct or indirect interest, or as to which its affiliates may act as an investment advisor, but of which a Defendant or its respective affiliates is not a majority owner or does not hold a majority beneficial interest, and (ii) any Employee Benefit Plan as to which a Defendant or its affiliates acts as an investment advisor or otherwise may be a fiduciary.

- (5) ordering that Plaintiffs shall, at a later practicable date, submit for the Court's approval a proposed Plan of Allocation of the Settlement Amount and a proposed notice plan;
- (6) preliminarily approving Epiq Class Action & Claims Solutions, Inc. as Settlement Administrator, the Huntington National Bank as Escrow Agent, and preliminarily approving certain administrative expenses to be paid as agreed to by the parties in the Settlement Agreement;
- (7) preliminarily approving the establishment of escrow accounts under the Settlement Agreement as Qualified Settlement Funds;
- (8) staying all proceedings in the action with respect to the Settling Defendants; and
- (9) granting such other and further relief as the Court deems just and proper.

Dated: February 11, 2022

Respectfully submitted,

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